

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DIGITAL VERIFICATION SYSTEMS,  
LLC,

*Plaintiff,*

v.

CLOVER NETWORK, INC.,

*Defendant.*

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Case No. 2:17-CV-00153-RWS-RSP

**TRANSFER ORDER**

Clover Network moves to dismiss the complaint filed by Digital Verification for improper venue, contending that Clover Network lacks a “regular and established place of business” in the district. *See* 28 U.S.C. § 1400(b); *In re Cray Inc.*, 871 F.3d 1355, 1360 (Fed. Cir. 2017). Digital Verification does not dispute that venue is improper but rather only requests that the case be transferred instead of dismissed. *See* Dkt. No. 14. Section 1406(a) permits transfer of a lawsuit filed in an improper venue “in the interests of justice.” 28 U.S.C. § 1406(a). Because requiring the plaintiff to refile the lawsuit elsewhere would waste resources of both the parties and another court, transfer is the appropriate outcome.

Accordingly, it is **ORDERED**: This case is **TRANSFERRED** to the United States District Court for the Northern District of California.

**SIGNED this 7th day of November, 2017.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE